

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

JEREMIAS SILVA,

Plaintiff,

vs.

Civ. No. 98-579 JC/LCS (ACE)

AMERICAN FEDERATION OF
STATE, COUNTY, AND MUNICIPAL
EMPLOYEES, a national labor union,
et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

THIS MATTER comes before the Court upon Defendant American Federation of State, County, and Municipal Employees' (AFSCME) Motion for Approval of a Supersedeas Bond to Stay Enforcement of the Judgment Pending Appeal, filed August 23, 1999 [*Doc. 112*]. AFSCME moves the Court for approval of a proposed supersedeas bond in order to secure a stay of the judgments entered by this Court on June 24, 1999 and August 10, 1999. The proposed bond is in the amount of \$1,809,120.00. This amount was calculated using a federal post-judgment interest rate pursuant to 28 U.S.C. §1961.

The Plaintiff objects to the use of the federal post-judgment rate and argues that the state post-judgment rate should apply. More specifically, the Plaintiff contends that a state post-judgment rate is appropriate because the judgment in this case was based on his state claim which the Court tried pursuant to its supplemental jurisdiction. *Reed v. Country Miss, Inc.*, 1995 WL 348041 at *2 (6th Cir. 1995) addressed this exact issue and held that "[s]ection 1961(a) governs the accrual of post-judgment interest for state-law claims heard under a federal district court's supplemental jurisdiction." The reasoning in *Reed* is well supported. Consequently, I will follow *Reed* and find that AFSCME's proposed bond amount is properly calculated using the federal post-judgment interest rate.

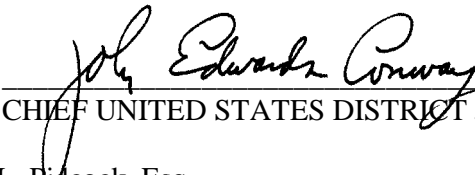
Wherefore,

IT IS ORDERED that AFSCME's Motion for Approval of a Supersedeas Bond to Stay Enforcement of the Judgment Pending Appeal, filed August 23, 1999 [*Doc. 112*] is granted.

IT IS FURTHER ORDERED that the Clerk is directed to post the supersedeas bond proposed by AFSCME.

IT IS ALSO ORDERED that any and all proceedings to enforce the judgments entered in this action on June 24, 1999 and August 10, 1999 are stayed pending the determination of AFSCME's appeal from those judgments.

Dated this 13TH day of October, 1999


CHIEF UNITED STATES DISTRICT JUDGE

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